

***EXHIBIT 2***

***REDACTED VERSION  
OF DOCUMENT  
SOUGHT TO BE SEALED***

***EXHIBIT 2***

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27 and OTTOMOTTO LLC

28  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,  
21 Plaintiff,  
22 v.  
23 UBER TECHNOLOGIES, INC.,  
24 OTTOMOTTO LLC; OTTO TRUCKING  
25 LLC,  
26 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF DON BURNETTE  
IN SUPPORT OF DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S SUR-REPLY TO  
WAYMO'S MOTION TO COMPEL  
UBER SOURCE CODE**

Trial Date: December 4, 2017

27  
28 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

1 I, Don Burnette, declare as follows:

2 1. I am Autonomy Technical Lead for the Advanced Technologies Group at Uber  
3 Technologies, Inc.. I understand that Waymo has filed a lawsuit against Uber, Ottomotto LLC,  
4 and Otto Trucking LLC in the U.S. District Court for the Northern District of California. I submit  
5 this supplemental declaration in support of Defendants' Sur-Reply to Waymo LLC's Motion to  
6 Compel Uber Source Code. I have personal knowledge of the facts set forth in this declaration  
7 and, if called to testify as a witness, could and would do so competently.

8 2. At my deposition on October 13, 2017, I was shown two header files from an  
9 image of the laptop I had provided to Stroz Friedberg in March 2016 as part of the due diligence  
10 for the Ottomotto acquisition. These two files are attached as Exhibits A and B to this  
11 declaration.

12 3. At the time of my deposition, I did not recognize those files and did not remember  
13 anything about them. After my deposition and upon further reflection, I recalled that I had typed  
14 up those two header files after I left Google. After leaving Google and before starting at  
15 Ottomotto, I had started thinking about how to build the Ottomotto motion planner and wrote  
16 down in a header file (i.e., [REDACTED]) various class states and class controls that I was  
17 considering (screenshot below). The other header file contained a header description of a  
18 [REDACTED]. At the time of my deposition, it had been 18 months since I had last seen  
19 those files.

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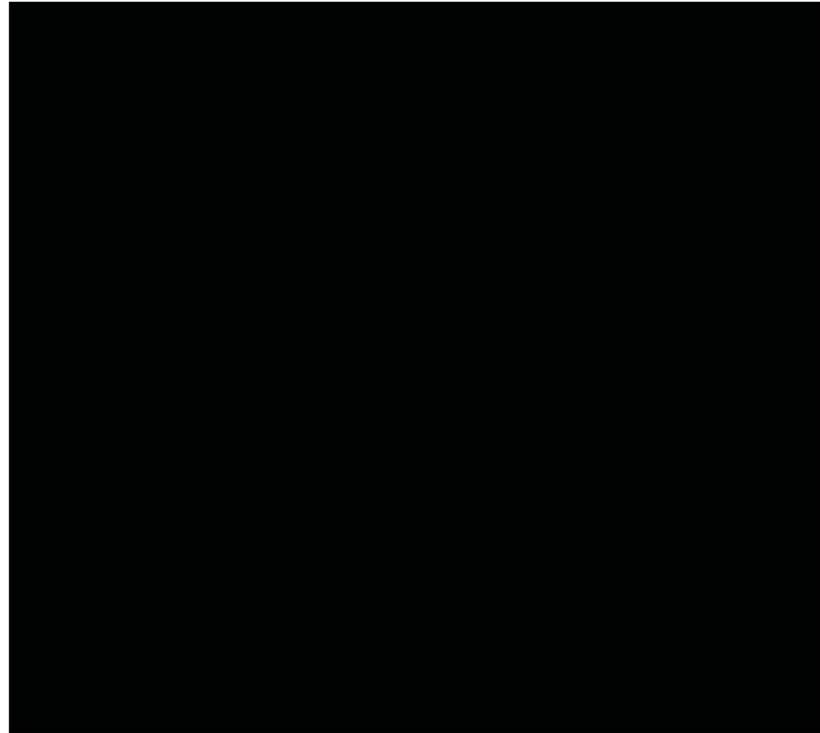
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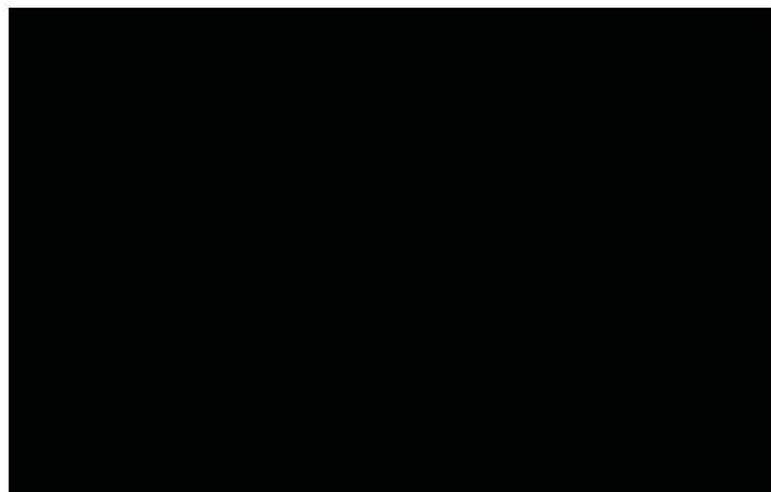
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13       4.     These files did not become part of Ottomotto source code. Ottomotto source code  
14 did, however, ultimately use some of the same class states and class controls. For example, the  
15 Ottomotto Planner uses [REDACTED] as controls (see excerpt of [REDACTED] below).

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24       5. [REDACTED] refers to the [REDACTED]  
25 [REDACTED] refers to the [REDACTED]  
26 [REDACTED] As I  
27 explained in my deposition, [REDACTED] are fundamental physical quantities that many motion

1 planning systems use to define trajectory. For example, from an internet search, one can find a  
2 self-driving car software course offered by Udacity that teaches students to write path-planning  
3 software that controls for [REDACTED].<sup>1</sup> The term [REDACTED] was used by some engineers who had worked at  
4 Waymo to identify the concept of [REDACTED]. That concept is  
5 described in public references about motion planning. For example, "Planning Algorithms," a  
6 textbook published by the University of Illinois, discusses how in a robotically steered car, a  
7 "second integrator can be applied to make the steering angle a C<sup>1</sup> smooth function of time," using  
8 "u<sub>a</sub>" to "denote the angular acceleration of the steering angle."<sup>2</sup>

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
10 15th day of October, 2017 at San Francisco, California.

11 /s/ Don Burnette

12 DON BURNETTE

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14 **ATTESTATION OF E-FILED SIGNATURE**

15 I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this  
16 Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Don Burnette has  
17 concurred in this filing.

18 Dated: October 15, 2017

19 /s/ Michael A. Jacobs

20 MICHAEL A. JACOBS

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26 <sup>1</sup> See e.g., <https://medium.com/@mohankarthik/path-planning-in-highways-for-an-autonomous-vehicle-242b91e6387d>.

27 <sup>2</sup> See Ex. C, LaValle, Stephen M, PLANNING ALGORITHMS 744 (2006).